

REMARKS

Claims 1-12 are now pending in the application. The amendments to the claims contained herein are of equivalent scope as originally filed and, thus, are not a narrowing amendment. Claims 11 and 12 have been added as new claims. Support for claims 11 and 12 can be found throughout the specification and drawings as originally filed. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

DRAWINGS

The drawings stand objected to for certain informalities. Revised drawings have been attached for the Examiner's approval. In the "Replacement Sheets" Figures 1-4 have been amended to include formal numbering. These modifications are believed to overcome the Examiner's objection regarding non-uniform character size. As such the Examiner is respectfully requested to remove this objection.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-2, 5-6 and 8-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Brockel et al. (U.S. Pat. No. 5,794,128, hereinafter "Brockel") in view of Park et al. (U.S. Pat. No. 6,853,852, hereinafter "Park") and further in view of Kumaran et al. (U.S. Pat. App. No. US 2002/0168983, hereinafter "Kumaran"). Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Brockel in view of Park, further in view of Kumaran and further in view of Black et al. (U.S. Pat. No. 6,337,561, hereinafter "Black"). Claims 4 and 10 stand rejected under 35 U.S.C. §

103(a) as being unpatentable over Brockel in view of Park, further in view of Kumaran and further in view of Ishikawa (U.S. Pat. App. No. US 2002/0168983, hereinafter "Ishikawa"). Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Brockel in view of Park, further in view of Kumaran and further in view of Marshall (U.S. Pat. No. 6,834,180, hereinafter "Marshall") and Robert et al. (U.S. Pat. No. 6,104,712, hereinafter "Robert"). These rejections are respectfully traversed.

Claims 1 and 8 have been amended to further specify that the present invention is concerned with network performance simulation. Specifically, claims 1 and 8 now state that the nodes, antennas and communication links are simulated. The Examiner has cited several references regarding claims 1 and 8 that may disclose the features of a communications system, however, the Examiner fails to provide any real motivation to combine these references other than mere definitions of the items. "The mere fact that prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification." In re Fritch, 972 F.2d 1260, 1266, 23USPQ2d 1780, 1783-84 (Fed. Cir. 1992) (citing In re Gordon, 733 F.2d 900, 902, 221 USPQ 1125, 1127 (Fed. Cir. 1984)).

More specifically, Park does not appear to suggest a simulated network having a synchronous communication link as the Examiner suggests. The portion of Park referenced by the Examiner does not appear to disclose anything related to network simulation. The portion of Park cited by the Examiner merely appears to disclose that "[i]n a conventional mobile telecommunication system, a synchronous mobile station is connected to a synchronous radio network." (lines 16-19, col. 1). The simulated network of Brockel would not appear to benefit from the synchronous communication link of

Park, since this “actual” synchronous link does not seem to offer any benefit to a simulation. As cited by the Examiner, Park does not appear to teach or suggest any simulation of the synchronous communication link.

Further, the portion of Kumaran cited by the Examiner merely appears to define what a time division multiple access (TDMA) link is. While Kumaran appears to address simulation, it does not appear to suggest simulation of a TDMA link as suggested by the Examiner. The Examiner has not pointed out anything in the references that would provide the requisite motivation or desirability for the combination of Kumaran with the Brockel and Park references.

There does not appear to be any motivation or desirability to combine all of the references cited by the Examiner. It is well established that isolated elements from different references cannot be combined without some clear motivation or desirability to make the combination of the combination, which is apparent from the references themselves. “Virtually all inventions are necessarily combinations of old elements. The notion, therefore, that combination claims can be declared invalid merely upon finding similar elements in separate prior patents would necessarily destroy virtually all patents and cannot be the law under the statute, Section 103.” Panduit Corp. v. Dennison Mfg. Co., 810 F.2d 1561, 1575, 1 USPQ2d 1593, 1603 (Fed. Cir. 1987). As such, it is believed that there is no motivation or suggestion in the references for such a combination. Further, even if there were motivation to combine, Park does not appear to teach or suggest any sort of simulation regarding the synchronous communication link. Therefore, it is believed that claims 1 and 8 are in condition for allowance.

Claims 2-7 and 9-10 depend from claims 1 and 8 respectively. In view of the amendments to claims 1 and 8 and the arguments the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 1-10.

NEW CLAIMS

Claims 11 and 12 have been added as new. These new claims depend from claim 1 and should be in condition for allowance for the reasons stated above regarding claim 1, as well as for the features disclosed in claims 11 and 12.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. The Examiner is respectfully requested to reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: May 11, 2005

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AMENDMENTS TO THE DRAWINGS

The attached "Replacement Sheets" of drawings include changes to Figures 1-4. The attached "Replacement Sheets," which include Figures 1-4, replace the original sheets including Figures 1-4.

Attachment: Replacement Sheets